

United States District Court District of Massachusetts

UNITED STATES OF AMERICA,

v.

MAGISTRATE JUDGE'S DOCKET
NO. 2005M0428RBC

SHIRRON ADAMS.

ORDER PURSUANT TO 18 U.S.C. §§ 4241(b) AND 4247(b)(c)

COLLINGS, U.S.M.J.

After a hearings held on March and 30, 2005, upon the motion of counsel for United States, I find that there is reasonable cause to believe that the defendant may be suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings or to assist properly in her defense. I therefore ORDER, pursuant to 18 U.S.C. § 4241(a), that a hearing be held to determine the mental competency of the defendant.

With the concurrence of the Assistant U.S. Attorney assigned to this case

and the CJA attorney who has been appointed to represent the defendant, the Court finds that there is reasonable cause to believe that the defendant may be suffering from a mental disease or defect which may give rise to a defense of insanity at the time of the commission of the offense.

Accordingly, pursuant to 18 U.S.C. §§ 4241(b) and 4242(a), I ORDER that a psychiatric examination of the defendant be conducted in accordance with the provisions of 18 U.S.C. § 4247(b)(c).

Pursuant to 18 U.S.C. § 4247(b), it is ORDERED that the defendant be, and he hereby is, COMMITTED to the custody of the Attorney General for a period not to exceed thirty (30) days for placement in a suitable facility for purposes of the examination.

Pursuant to 18 U.S.C. § 4247(c), the appropriate official or officials at the facility to which the defendant is committed shall prepare a psychiatric report. The original of said report shall be filed in the Court; copies shall be mailed to the Assistant U.S. Attorney (Theodore Merritt, Esquire) assigned to this case and to Robert Y. Murray, Ramsey & Murray, 225 Fried Street, Boston, Massachusetts 02114 who represents the defendant.

The report shall include:

- (1) the person's history and present symptoms;

- (2) a description of the psychiatric psychological, and medical tests which were employed by the examiner and their results;
- (3) the examiner's findings; and
- (4) the examiner's opinions as to diagnosis and prognosis, including:
 - (A) whether the defendant is suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings or to assist properly in her defense, and
 - (B) whether the defendant was insane at the time of the offense charged,
 - (C) whether the defendant is currently a danger to herself or others, and if so, whether there are any conditions upon which the defendant can be released from custody which would offer reasonable assurance that the defendant would not be a danger to herself or others.

A hearing pursuant to 18 U.S.C. § 4247(d) will be scheduled upon receipt of the report.

The Department of Justice shall pay all expenses incurred in connection with the examination. When the Bureau of Prisons has designated the facility

at which the examination is to take place, Pre-Trial Services shall make available to the examiner all of the defendant's mental health records which it has been able to collect.

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

Date: March 30, 2005.